

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of American Gas)	Application No. NG-0026
Supply, Ltd. (Heartland),)	
Houston, Texas, for authority as)	ORDER GRANTING MOTION FOR
a competitive natural gas)	PROTECTIVE ORDER
provider in the state of)	
Nebraska.)	Entered: February 8, 2005

BY THE COMMISSION:

By application filed January 31, 2005, American Gas Supply, Ltd. (Heartland), seeks authority as a competitive natural gas provider in the state of Nebraska. The deadline for filing a protest or petition for formal intervention is March 3, 2005.

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 to 66-1849 (2005 Supp.). The Commission further finds that a Protective Order should be issued because the above-captioned matter may contain commercially sensitive information of Heartland, which Heartland considers proprietary in nature and the release of which could be injurious to its business.

The Commission further finds that it requires access to information and records claimed as proprietary and/or confidential in nature in order for staff to sufficiently review this application. The information asserted to be proprietary and/or confidential will be used by the Commission solely in connection with its review of this application. The proprietary and/or confidential material will not be introduced or used as testimony or exhibits in any application, except on an *in camera* basis, unless said information is presented in a summary format such that confidential material cannot be derived. The Commission reserves the right to request the same information in a subsequent application or other proceeding, permitting the submitting party to request that said information be received under protective order in that proceeding.

The Commission further finds that a requesting party shall seek relief from this protective order before any of the proprietary and/or confidential material is revealed to any third party including, but not limited to, any intervenors in this case. Heartland shall clearly designate and identify, by filing on yellow paper, all information that it contends is confidential and/or proprietary, which shall be limited to the following:

***Financial statements, general ledger and
journal entry information of American Gas
Supply, Ltd. (Heartland), a non-publicly
traded company.***

Nothing in this protective order shall be deemed to prevent the disclosure of any information, which must be maintained as a public record or for public use pursuant to state statute or the Nebraska Constitution. In any challenge to the confidential treatment of such material, Heartland must bear the burden of proving its entitlement to confidential treatment of any claimed confidential material.

The Commission further finds that all claimed confidential and/or privileged material, as set forth above, shall remain protected from public disclosure until otherwise ordered by the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Protective Order is hereby granted pursuant to the findings set forth herein.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of February, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director